

Judge Mark Thomas interview of Fred Wool at his office on July 1, 1987.

MT Fred, let's start at the very beginning. Where were you born?

FW I was born at the northeast corner where Eastridge Shopping Center is now.

MT In San Jose.

FW Yes, in San Jose. I always consider myself a native of Evergreen because it was the Evergreen School District you see. The pepper trees there were planted by my mother. At that time my grandfather owned the north half of what is now the Eastridge Shopping Center. Of course they always called it the swamp ranch at that time because it was adjacent to all that overflow of Silver Creek that ran through the property.

MT Did you go to school in that area?

FW I went to Franklin School which was on the northeast corner of Tully and Monterey Roads.

MT Where did you go to high school?

FW At the old San Jose High School in Washington Square.

MT And where did you go to undergraduate school?

FW Stanford. Started in 1923.

MT When did you graduate from Stanford?

FW 1927 and with an A.B. in law. At that time they had A.B.'s in law. Because we had two years of undergraduate law and we had the basic courses at that time--contracts, torts, personal property and criminal law. I took a couple of graduate courses, too.

MT Now did you have to go to any further law school after that or was that it?

FW No, then we had another two years to get to J.D.

MT When did you get your J.D.?

FW In March of 1929.

MT Were there any well-known lawyers that were in your class at Stanford?

- FW One whom I recently saw was Gus Solomon, the District Judge--U.S. District Judge--in Washington. Of course there was Duncan and Archie Stevenson who died recently and who became very well known in New York circles.
- MT Did you and Duncan Oneal start at the same time?
- FW Yes, we lived in Encina Hall but we didn't room together.
- MT What about the bar exam? Did you have to take it--did they have the bar then?
- FW Oh yes!! In that connection...we were kind of poor, Harvey Miller and I, and we did our own reviewing. We spend many hours in the old law library in the old Hall of Justice. We had managed to wangle keys to get our access to the law library, so we spent from 6 to 8 hours every day, from the time Harvey got out of school--a little later than I did. Then we climbed the outside stairs to the third floor.
- MT That's where the library was at that time?
- FW The law library.
- MT Now you are talking about the old Hall of Justice on the corner of Market and St. James where the new courthouse is now?
- FW Yes.
- MT What else was in that building?
- FW Oh, there were two justice courts up stairs, the Assessor's Office, the Tax Collector's Office and downstairs was the County Library.
- MT Did they have any of the juvenile stuff there that you can recall?
- FW The first juvenile housing that I know of was over on the opposite side--the north side of St. James.
- MT When you went into practice, who did you go into practice with?
- FW It was with Fry and Jenkins. Their offices were up above Lean's Jewelry Store at the northwest corner of First and San Fernando Streets.
- MT Tell me about these gentlemen. What was Fry's first name?
- FW He went as H. Ray Fry.
- MT Was he a former D.A.?

FW No, as far as I know he was associated with William Beasley who also occupied offices at that address. William Beasley then became a Superior Court Judge for only a short time, then he went to San Francisco and became a Master, I guess what we called it, for the Federal Courts. Things that were referred out to special Masters.

MT That was Beasley.

FW Fry continued there long before I became associated with him. Jenkins came along and he was very, very fine and capable.

MT What was his first name?

FW His name was Desmond T. Jenkins. But he was always called Tom.

MT Didn't he at one time run for Judge?

FW He, on two occasions, ran for Judge. He was just narrowly defeated in both instances.

MT For Superior Court?

FW Yes.

MT Didn't he run one time against a fellow who had been ill...

FW Judge Brown. Judge Brown unfortunately had a stroke and he continued on the bench. And even after he had partially recovered from it why he would often find it too taxing and would perhaps take a snooze. Joe Geoffroy, who was his clerk, would alert him at times when he thought it was necessary.

MT If Judge Brown was in such bad shape, how did he beat the challenger Jenkins?

FW Well, he had a lot of friends among the lawyers and of course I doubt that the public knew very much about his frailties.

MT I see. Were there any political machinations involved in it?

FW Yes there were. The friends of Louis Oneal were very anxious to keep Judge Brown on the bench.

MT And as I recall, Brown died shortly after his second term started. And I think that Billy James was appointed at that time.

FW No, I believe Judge Syer was appointed.

MT Tell me about Judge Syer. What type of fellow was he?

FW He was just about the most kindly person. He had a great problem when making decisions because he seemed to be very friendly to everyone. He just didn't want to decide against anybody. When he died he had I don't know how many cases under submission that had to be retried.

MT Were you practicing when Gosbey was on the bench?

FW Yes.

MT What type of fellow was Gosbey?

FW Well he never became--shall we say he was very austere. With a stern look on his face. As I understand, he had been a school teacher, so he often treated the lawyers as pupils. And particularly with respect to handwriting.

MT If you didn't write well, he'd get on you?

FW Yes, oh yes. Signatures. "What's this bunch of scratches?"

MT What about Charlie Davidson?

FW Well Charlie was only a judge for a relatively short time. He had been a mayor of San Jose as you probably know. I think he was a better mayor than a judge.

MT What about Bill James? What type of fellow was he?

FW He was a loveable type of guy. Really just a good judge and I was very fond of him. Even when he was practicing he was very helpful to young practioners. I remember one time I had to draw up a complaint and he was appearing for the defendant and he said, "Will you come up here?" So I went up. And he said, "Well, now, this complaint--you haven't quite done it right. You amend it in court." So that was the type of fellow he was. He had consideration for young people. Of course, he'd known the members of our family, too, so that might have had something to do with it!

But I had any number of dealings with him. I had never done much criminal work but one time we were called upon to defend a man who had stopped down in front of Franco's Grocery Store which was on the corner of 5th and Santa Clara--it was there. Anyway, some way or other, I guess it was--I've forgotten now. But somebody came in and grabbed hold of my client and they called the police. They decided he was under the influence of alcohol. He had been a former All American guard at Yale, so they accused him of drunk driving. So we went down and tried it before Judge James and got him acquitted. I remember the remarks of Judge James. "There are various definitions of drunkenness but," he said, "there is one from Massachusetts that says nobody is intoxicated until he is lying on the ground and has to hold on!"

MT Did you ever appear before Leonard Avilla, the Superior Court Judge?

FW Only when he was acting as Probate Judge.

MT I see. How about Berl Salsman?

FW Same thing. At that time I hardly ever appeared when we were doing our trial work.

MT Now getting back to when you were with Fry and Jenkins. How long was that association with them at that same place?

FW Oh, well January 1932 I became associated with Harry Elsworth Smith. He had his offices with a man by the name of Wilcox up in the First National Bank.

MT How long did you associate with him?

FW Almost until he died. It was sometime in the 40's. Well, while he was still practicing and we brought Vern Perren in. Vern had been down in the District Attorney's office but was then acting as County Counsel--they hadn't separated the offices at that time. He left to come with us. He died and in the meantime Don Richardson came in and then we had various associations with partnerships going through a gamut of people on various associates. Vern Perren died of cancer of the liver or pancreas and then we had another man who was associated with us and strangely enough he had something similar.

MT Who was that? It wasn't Colbert was it?

FW Faaland. Then Bob Colbert came with us and he left shortly before his death--and he died of the same time. Later Glen Dodsden became associated with us and after left practice why he got the same thing. I guess that place wasn't a good place for somebody to come.

MT You remained at the First National Bank building until you moved to your present office.

FW We moved ten or twelve years ago.

MT And it is now 1987. Your address here is 46 South First Street. But it is really between First and Second Streets.

FW Yes in this courtyard. El Paseo courtyard.

MT At one time it was Smith, Wool & Perren. Who was the Smith?

FW That was Harry Elsworth Smith.

- MT I wanted to ask you...wasn't your uncle or some relative a Supervisor in this County?
- FW That was an uncle. He was always known as Sandy Wool. He was the youngest member of my father's generation.
- MT When was he Supervisor, approximately?
- FW He was elected in 1936 and he served for 16 years. He would have started in January of 1937.
- MT Were either one of your parents born in this county?
- FW Yes. My father was born in 1874 on 7th Street. At that time I believe it was next door to the Harold family--the shoe store people. I know my grandmother mentioned that they were neighbors. My mother was born in Virginia, she said, near Nassis Junction, where the Battle of Bull Run was.
- MT Are there any other memories of your family that were in law?
- FW No. I'm the only one. Most all the rest of them were associated with agriculture in one way or another and of course the canning industry.
- MT When you started the practice who were the judges on the Municipal Court or the Justice Court down there in the Hall of Justice. Was Dempsey on that or was he later?
- FW I believe that Judge Witten was still one of the judges and I'm not sure whether Chester Moore was the other. Grandin Miller later took Witten's place.
- MT What type of person was Witten?
- FW I didn't know much about him. He was just a very elderly man at that time.
- MT What about Moore? Did you come in contact with him?
- FW Oh yes, he was a reasonably good judge. He just didn't have the same feel that Grandin Miller had. Of course, Grandin Miller was something else. He just had a great feel for judging.
- MT I've always been curious, Grandin Miller ran for Superior Court at least once and was never able to make it, and yet he had a wonderful reputation. What held him back on those elections?
- FW One thing I believe...He ran during the war against Del Mutolo and Del Mutolo had a lot of contacts with lawyers who were in the service and had a great influence. I doubt that Grandin had a sufficient organization.

MT Did you have any cases at the old City Hall where they had the Police Court upstairs there?

FW Once or twice. My criminal law practice was very low. The main reason was that--you may have heard this before--Martin Murphy, a descendant of the Murphy family, was a lawyer and he would be in Criminal Court on Fridays--on the calendar day--and Martin really became the first public defender because the Judges normally appointed Martin to represent these improvident people. It wasn't official or anything.

MT How interesting.

FW I don't believe he had an office. I think most times he just sat around the jail. I'd seen him there many times as I'd be passing through where the old jail was.

MT You got active in the Bar Association at some time.

FW Oh yes.

MT How did you happen to get started?

FW Well, I've always felt that if I belong to something I want to participate. I was very interested in getting it organized instead of running a town meeting type thing. So I originally had drafted the trustee type thing. It was not adopted for several years--it lay dormant--and finally some other people got hold of it and set it up: the forerunner of what it is now.

MT What type of trustee? I don't get it?

FW Similar to the state organization of the bar, where you had...

MT Oh, trustees!

FW Trustees. Yes.

MT So you wrote a charter or articles of incorporation.

FW So that we would have something that was ongoing. The Bar Association meetings were really something in the old days. Of course, there weren't so many people then. We'd have them down at the courthouse once or twice a year. It was an opportunity for a lot of people who liked speech-making to argue for or against something with the result that often nothing happened. I believe the most important thing that ever happened was the annual BBQ in any case. Next important was the election of officers for the coming year.

MT You were president one year...

FW One year, in 1958.

MT Do you recall who your officers were?

FW That was still under the old system. I can't remember who they were.

MT When did the new system come in?

FW Several years--I was proposed for vice president and at that time there was a big controversy about whether to stay at the Civic Center or downtown as far as the Courthouse was concerned. And the Bar Association adopted a resolution to keep the courthouse downtown. Uncle Sandy was on the Board of Supervisors and the Board adopted the plan to put it down at the Civic Center. That was contemplated that everything--all the Courts--would be down there. At that time I said I couldn't accept an office in the Bar Association because of my uncle. So later on, several years later, I was elected vice president and then president.

MT I remember my wanting to keep it downtown, but looking back, maybe the courts would have been better to go to the Civic Center because we could have kept everything under one roof.

FW That was the thing in my mind, too. I certainly didn't want to compromise my uncle.

MT Did you have any experiences with the outlying justice courts in Alviso or Mayfield or wherever?

FW Occasionally I would get down to Gilroy. Judge Thomas was down there. I don't know whether he was related to you or not.

MT No.

FW Of course he was not a lawyer, but the cases I had were done well. And I had one or two things before Judge Blaine in Campbell.

MT What was Judge Blaine like?

FW The only thing I had there was a default so...it wasn't very momentous.

MT When you were going to Stanford Mayfield was still in existence? Did you have anything to do with Mayfield? They used to have a speed trap there.

FW No, because most of the time we avoided Mayfield.

MT What was that?

FW I guess that was why.

MT How about Alviso?

FW Never had anything out there.

MT I see. One time there was a court in Milpitas. Do you recall anything about it?

FW Uh...See, both my father and my uncle used to farm in the hills of Milpitas and we often, when I was little used to go back and forth. I knew there was something there. I knew there was a constable. The J.P. was Ballou.

MT Where did he have his court?

FW I have no idea.

MT Do you remember a fellow by the name of Max Watson?

FW Oh yes, quite well.

MT Apparently he was a probation officer.

FW Right. Well, he was a very kindly person. One time somebody said something to him about how he could work with these people and he said, "Well some of these people are pretty good people." You can get the idea there that he was a very kindly people. He was truly interested in his position.

MT Were you ever associated with Don Richardson's father? He was an attorney too.

FW No I wasn't. He was attorney, as well as Don's grandfather.

MT Don Sr. and now Don practicing. I see. Were you in San Jose at the time of the Hart lynching?

FW Yes. It so happened that we'd been over to my wife's parents who lived over on Emory Street and we were going back over to our place--we lived on McLaughlin Avenue at that time. We had with us the only child we had at that time--you know my son Fred Junior--we had him in the back. He was roughly a year old. We heard on the radio what was going on on First Street and we came down Santa Clara, but we didn't turn off. I didn't think I wanted to be present.

MT When you first started practicing, how much did you charge for a will?

FW Oh, we were way up there--\$5.00.

MT In the old days, didn't we in this county have a fee schedule that the Bar Association put out?

- FW I doubt that they had one at that time, but shortly after they came out with a fee schedule and they had that around for a long time until that anti-trust case came up and then everybody forgot about how practical it was. I assumed what happened, it was about that time because of that situation, people went to an hourly basis.
- MT The emphasis in your cases has been on probate throughout the years.
- FW Yes it has. Actually I think one of my first cases was probate.
- MT Tell me about how the practice has changed from when you first started until the present time.
- FW First you filed your petition and gave your notice, whether it was publication or mail. And then got a date. Normally you went down there in person and got the date and filled out the notice and so forth. Then the day came and you took your witness to the will and probably the executor and put them both on the stand. After a lot of leading questions you finally got your will admitted to probate and the executor administrator appointed. It often consumed most of the morning even though there were not many cases on the calendar. And of course there were those people who liked to--like some of those people who showed up at the Bar Association meetings--they liked to make speeches. So it consumed considerable time.
- My first experience with the, shall be say, the revised procedure was when I had a case down in San Diego. It happened to be--the decedent was one of the sons of J.H. Flickenger who was an early-day canner. I had to go down there. When I got down there I saw a friend of mine who was in the same class as mine--William Glen--who was later Superior Court Judge down in San Diego County was in Court. I looked at the calendar and saw that there were about 60 cases on it. I said, "My God Bill, when are we going to get through?" And he said, "Don't worry, court hasn't started." So court started. When my case was called, he said, "Now take your paper up there but take your hand away quick or he'll sign that, too." This was my first experience at that. I believe that the great emphasis came for this revised probate procedure came from Santa Rosa, Sonoma County. That was where they started some of these quickie procedures.
- MT That was where it is submitted on the verified petition and reviewed in advance.
- FW That was the first simplification--the verified petition--which was then followed with the self-proving will which was a great time saver and in most instances accomplished the same thing with a far easier procedure.
- MT You've been active with the probate group here in Santa Clara County, haven't you?

- FW Up until a year or so ago. The fact is that I commenced urging the adoption of a probate manual. It fell on rather dim ears for a year or two and finally it was adopted with the help of several members of the Bar and then when we got the thing going we wrote and rewrote, revised and finally have some procedural methods so that I'm sure it simplified things that people will pay attention to.
- MT What are some of the things that are in this Probate Manual?
- FW Well, one of the things, for example, some counties may go in and ask for a preliminary distribution without filing an account. Judge Allen, and I think rightly so, insisted that an account be filed along with a petition for preliminary distribution. So you can have an update on the condition of the estate so that you are not distributing too much to pauperize the estate and over distribute. Some of the others were, for example, in these testamentary trusts which preceded doing away with court supervision. In our manual we wrote into it that if all beneficiaries were all adults, they could dispense with the accounting of court administered trusts. I've used this in several instances lately where there has been no accounting for I don't know how long. There isn't any provision in the Probate Code for any accounting for a set period of time. So on some of these it would be impossible to file an account.
- MT When did the work start on this probate manual?
- FW I believe about 20 years ago.
- MT When was it to the point that it was actually put into use?
- FW Time goes by too fast--I'm not sure.
- MT Were the judges helpful? Did they cooperate?
- FW The work was principally was done by Bruce Allen. We was very helpful and I appreciated it because it gave something to go by so that he would refer lawyers to it. Otherwise, you see, the judge would say, "Do it this way."
- MT Is the Probate Manual in Santa Clara County different from the procedure that would be in some other county?
- FW Approaches it very similar. Some of the other probate manuals cite a lot of case law and code sections. In other words, they become kind of long-term, all-inclusive brief on the thing. Ours avoids, in most cases, citations and references to cases. It only tends to confuse I think rather than explain.
- MT Who were some of the other lawyers who were active?

FW Well, Lloyd Homer was particularly active as well as James Kelley. And later Mark Franich was very helpful. They carried the load principally in doing this. I worked on it a long time with them.

MT As I recall, Bill Jacka, when he had the Probate Calendar, did he have sort of the faster system or was he still with the older, slower way?

FW He had commenced to facilitate this new way.

MT Back in the 30's in this county, what was the biggest--as far as numbers--law firm?

FW I'm sure it was the Oneal office--There was, of course, Louis Oneal himself, Duncan, and Bill James and Art Schoup and Charlie Luckhardt. I know there was another man in there but I can't recall who he was.

MT How about John Burnett.

FW Oh there were two of them--Dave and John.

MT Was Dave ever president of the Bar Association?

FW Yes.

MT Do you remember when he was president?

FW No. It must be a very long time ago. It's in the directory.

MT Do you remember Arthur Free?

FW Oh yes.

MT What type of fellow was Arthur Free?

FW I only knew him after he had been defeated and was associated with Ed Rea and there he was doing the best he could.

MT At one time Ed Rea was quite a lawyer around here. What was he famous for?

FW Of course he represented the Western Pacific. In opposition to the Oneal office representing the Southern Pacific.

MT Did he get into battles with Louis Oneal; were they adversaries?

FW I don't recall any particular ones. They may have occurred before my time.

MT How about Louis Oneal and Bill Foley? Were they adversaries?

- FW I don't know. I think Bill Foley Sr. was a pretty belligerent type of person. He represented his clients well. And he was something else in court. I was on several cases where he was.
- MT Was John Machado active in that time?
- FW Oh yes--Honest John.
- MT Honest John? Can you tell me a little bit about him?
- FW Well, he was a very capable lawyer. There was an interesting thing that happened--and some of the lawyers can verify this. When he had a case and would look in the books, he'd paraphrase his testimony--that is his witness would paraphrase that which would appear in the law books.
- MT What kind of a judge was John Foley?
- FW I tried a number of cases before him. I found him to be very low keyed, but a very fair-minded judge.
- MT Were you ever involved with the old jail? Ever had any clients you had to get out of there?
- FW I think I went there once to see somebody.
- MT What type of place was it?
- FW Well, my recollection of it was that it wasn't very good.
- MT Are there any particular lawyers you can recall through the years that made an impression on you as being particularly outstanding?
- FW Jenkins, Tom Jenkins was one. You don't have very many cases or very much to do when you are first starting out. He was doing a lot of defense work--automobile defense and some medical defense and he'd take me with him and I'd help...sit at the counsel table and go through the things--discuss evidence with him and things like that. I did some appellate work not only for him but for some other lawyers, one of whom, Richard Bressani, and he often had some very interesting family cases. He was one of only two Italian lawyers in town at that time. There was Speciale but they didn't go to him; he didn't have the same kind of touch as Dick's. Dick Bressani's mother was a midwife and, of course, that gave a connection with a lot of people.
- MT That's Dick Bressani who was later with Jerry Hansen.
- FW Hansen is his son-in-law. That's the reason.

MT When you were practicing in those early days and you did the appellate work, this was before we had the 6th District here in San Jose, so you had to go to San Francisco.

FW Yes, yes.

MT I would imagine that that was really a pain to have to go up there all the time.

FW Yes. In those days I mostly wrote the briefs, I wouldn't be arguing anything. But I did go up on a number of occasions. One particular case I remember was one where there had been a conveyance of property by a former Supervisor to some lady because he was in difficulty and then when he mended his finances she was to deed it back. Harvey Miller had the case, the appellate case, and he and I wrote the brief and then I went up to argue the thing. It's been my custom for almost my entire time of my practice to keep track of the events and this case was then heard by a division in which Peters was presiding and there had been a case very similar. As I was arguing the case he said, "Counsel, what do you think of this case?" I said I believed it was a case very much in point and I believe it is particularly well written!

MT (laughing) Did he smile?

FW No---well, almost. We won the case!

MT What about Frank Campbell. Did you know him well?

FW Oh yes, quite well.

MT You mentioned Jenkins doing the defense work. It reminded me that Frank Campbell did the early defense work, too.

FW Yep.

MT Was he a renowned trial lawyer?

FW He was very, very capable. He was a small man with a very pleasing personality. One that the lady jurors would love.

MT There was a Supreme Court Justice by the name of Richards who had been a local Superior Court Judge. Did you ever come across him?

FW No. I believe he died at or about the time I started. His son was practicing law here. He wasn't real effective.

MT Tell me, did you go to the early Bar BBQ's?

FW Oh yes.

- MT I remember going to many of those and I'm surprised how everybody got home. There used to be a lot wilder than they are now--they're pretty calm now.
- FW Some of them were up at Henry Gabriel's ranch up in the hills and that would make it more complicated.
- MT Henry Gabriel was an old time attorney here? Who was he associated with?
- FW I don't recall that he was with anybody. He did a lot of...he was a real capable guy, he did a lot of things with constitutional law.
- MT Where did the BBQ's go after Gabriel's ranch?
- FW Fellows ranch I think. We went there for many years.
- MT You mentioned that when you and Harvey Miller were studying for the Bar you got the keys to the library. How on earth did you get the keys?
- FW I don't remember!
- MT Did the law library remain at the old Hall of Justice. Did it ever move out of there?
- FW Not until they...I don't know what they did during the interim period. We've always maintained a pretty good law library.
- MT That old Hall of Justice was sort of a decrepit building at the end.
- FW Well, of course it started in 1906 with the elevator failure--it never ran because of the earthquake and I've been told it offset the shaft.
- MT The elevator never ran?
- FW Not after the earthquake.
- MT How come they never fixed it?
- FW I guess they thought they didn't need to fix it--the building was only three stories anyway.
- MT It was in 1930 that they built the Home of Detention where the parking lot is now on the corner of Market and St. James--across from the old Hall of Justice. What was the feeling at that time when they built it? Was it supposed to be the latest thing?
- FW Oh yes. Very modern. Lawyers had very little to do with juveniles at that time. They weren't even permitted in the courtroom. That's why we had so little to do

with them. If you went down there representing someone you'd be kept outside and cool your heels. This lady, Muriel Wright, and Judge James felt the lawyers would only complicate things.

MT I'm sitting in Juvenile Court now!! They were right! Let the record show I'm only kidding. Did you know Bessie McDonald? She was the Matron?

FW I knew who she was. See we were permitted to say "how do you do," something like that, but that was about all.

MT At some point that changed where the lawyer at least could come in.

FW By that time I was into probate and that type of real property law I just never encountered it.

MT Having the Probate Section, has that encouraged the lawyers to be more active in the probate affairs.

FW I think so.

MT Do you know when the Probate Section was formed?

FW I believe it coincided roughly with the adoption of the manual.

MT There were some other people in your law school class that were well known.

FW Williams, Glen. He became Superior Court in San Diego County. Russell Waite became Superior Court in Riverside County. And I mentioned Gus Solomon.

MT You said that you had the bar meetings at the courthouse twice a year. I have a couple of questions about that. The bar did take a position on some of these elections, such as Jenkins and some of these other things.

FW Plebiscite. That was about the first thing you might say that had to do with--shall we say--the administration of justice.

MT The first time the bar really got into something.

FW They adopted....Harry Smith was also involved in creating the plebiscite that is very much like it is now. It was a little different. I believe Bressani was involved.

MT At a later date, the bar started having meetings at different places besides the courthouse. Do you about when that started?

FW I believe it grew out of an earlier development that we had. We would have meetings from time to time that were--they were actually the forerunner of these CEB things. They were doing that and those would be at Manny's or some rooms

upstairs that were available, and in the old Elk's building. We'd have a meeting there where local members would give a presentation on some important development of the law. So we were doing this a great number of years before CEB came up.

MT Did the bar have meetings at one time at the Oyster Loaf?

FW Oh yes--upstairs.

MT Where there any particular presidents of the bar association that you felt, looking back on it, were particularly effective in leading the local county bar.

FW I know there have been a number of them and some of them were really good. George Barnett was a very good one. He preceded me. I'd really have to look at a list.

One of the judges who was a real pleasant surprise was Ray Callaghan. Ray, of course, was clerk I believe for Judge James. As I recall, he didn't go to law school, still he passed the bar. He practiced and his practice was not any great practice. During the war he went in. And when he came out he was appointed judge. He turned out to be a very, very capable judge.

MT Another fellow I heard about--I didn't know him as an attorney very well--that was like that was Paul Gallagher. He wasn't particularly outstanding as an attorney, but turned out to be an absolutely marvelous judge.

FW I never had anything before him but I was fond of Paul.

MT How about J.R. Welch?

FW I didn't have anything before him. All I can say about him was that he was a very judicial looking judge.

MT Were the judges in those days a lot more formal than they are now?

FW Yes. Well, so was everybody else. You hardly ever talked to them. Not like today.

MT In the thirties, did all the men wear hats?

FW Oh yes! Everybody wore suits with vests.

MT When you were practicing, the Superior Court was in the old courthouse on First Street.

FW And there was Department One where Welch sat was on the lower floor. There were no elevators, of course; there were two stairways going up to the second

floor--on both sides. Judge Gosbey was up on the second floor and over on the north-east corner there was carved out this little courtroom...which was where Judge Brown was and of course that all disappeared when the courthouse burned in 1931.

MT Were you around at the time of the fire?

FW I sure was!

MT Where were you?

FW Well, I was down at the corner of First and San Fernando and I smelled the smoke. It was a windy afternoon, I think it was in March, and I smelled that redwood smoke. So I knew there must be a big fire. So I got out and came down...See, there is a picture of it right here, see that dome... By the time I got down there it was a banner of flame reaching out toward the south and I was over in the park. My aunt happened to be in town and I found her there watching the fire. Of course, pretty soon the dome caved in and then the WHOLE inner structure went. Supposed source of the fire--there was a stairwell that we up to the dome. Peppy Narvaez was the janitor there and he kept his supplies in a little alcove and presumably there were oily rags that got combustible. Presumably.

MT Where there ever any rumors around that somebody had some motive to burn it down?

FW No.

MT Referring to this particular picture, it's a print I think since I've seen it...

FW Yes. That's one that came out of Thompson & West 1876 Atlas of Santa Clara County.

MT It's the one with horses on the front and it looks like the horse train is going on the left and the...

FW It's a horse car.

MT It looks its on the left side--they both look like they are driving on the left side.

FW I suppose that was in the middle of the street. The perspective is not that great.

MT In this print, if you look to the left, there is a small building behind.

FW That's the jail.

MT I see. Now at a later date the Hall of Records was constructed...

- FW On the northerly side.
- MT And it connected with...
- FW There was a corridor that connected.
- MT Was there any damage to the Hall of Records from the fire at the courthouse?
- FW No. And I guess they had gotten all the prisoners out of jail because they were hauling the Recorder's books out of the Recorder's office which was on the second floor.
- MT When you first started practicing, did they have any courtrooms in the Hall of Records.
- FW No, not the Hall of Records.
- MT But at a later date I know they had one courtroom when they had more judges.
- FW Yes. That was when they took the Records Office down to Civic Center. I think that was when it happened. It made more space.
- MT Did you have much contact with the head Court Clerk? I don't know who the early clerks were.
- FW There was Al Newlin and Ed McGeehee.
- MT Do you know much about them?
- FW Not really. McGeehee was an old family I know.
- MT You mentioned earlier that at one time we did not have a separate County Counsel. Do you remember who the first County Counsel was?
- FW I think it was Howard Campen.
- MT Was there any political hassle about separating the two and having a separate County Counsel.
- FW I don't recall anything. It was just the Board of Supervisors's decision as I remember it. They felt that the D.A.'s office wasn't giving adequate representation. They had so many different things to take care of over in other places like Alviso. No, there wasn't any big "to do" over it.
- No wait--I guess Leonard Avilla was the first one. I'm a little bit fuzzy.

MT That's a long time ago! Do you recall ever going out to the City of Santa Clara and to their justice court?

FW Yes.

MT Tell me about that.

FW Well, I just have a dim recollection. Charlie Thompson was the judge. Later on, he had a little guy that always followed along.

MT He was sort of Thompson's sidekick?

FW Yeah. But of course they were practicing law, too, at that time. Later on Forrest Bentzien became the judge there. He was a sight. He was up at Stanford. I don't remember his being in law school, but he might have gone to Santa Clara.

MT When you went out there to Thompson, where did he have his court?

FW In the old City Hall. I think it's still there.

MT Tell me a little bit about your early practice in this County.

FW Sure. My principal litigation incidents involved machinery, well drillers, and that type of thing. There was a period of time when they were first developing dehydrators and, of course, they always seemed to work well until the end of the season, and they were still unpaid for. Then we'd have to sue for the purchase price. The wells always seemed to go bad toward the end of irrigation season and also the pumps. So we'd have cases, I don't know how many, I guess in those days I must have tried 6 or 7 dehydrator cases and an equal or greater amount of well and pump cases.

One of the most interesting machinery cases I had was with Gardner Manufacturing Company. One of their Cannery Row canners in Monterey asked them to develop a fileting machine for sardines. We tried that case and won--although I don't think the sardine machine worked. But you see it was built to special order and consequently the cannery had to pay for it.

MT Who were the lawyers on the other side?

FW Well, it was Webster Street, also from Stanford, he belonged to the Hudson, Martin firm down there. The owners of the cannery were the Ferante's if I remember right. Pete Ferante was a member of that firm.

MT Who was the judge of the case?

FW Grandin Miller.

MT Any other cases of that type do you recall?

FW One of the interesting ones was a flood case. Where one of my Japanese client's strawberry fields was flooded out. We won that with the help of my strawberry expert.

MT Who did you try that before?

FW I believe it was John Foley.

MT Was it tried in the new courthouse?

FW Yes. Must have been.

MT In the old days in this County, was there a lot of politicking going on when a judge was about to be appointed?

FW Oh, Yes! And of course Louis Oneal and Governor Rolfe were very close friends. And so the governor paid a great deal of attention to Louis.

MT When Rolfe went out and we had different governors, who were the lawyers at that time who had the most influence on the governor?

FW Charlie Davidson was appointed by the governor before Olsen. Charlie was the cousin or something of his. So that was automatic! When John Kennedy...maybe you hear about that?

MT No

FW I've forgotten who was going to be appointed, we told Joe George to ... told Kennedy was the one.

MT Well that worked out well because Kennedy was a fine judge.

Fred, I want to thank you again and you have been very gracious. On behalf not only of myself but for those who may listen to this at a future date, thank you very much.